

Honorable Members of the Education Committee:

I write to urge you to support HB No. 5425 and thereby overturn the current Burden of Proof law in Connecticut as it relates to Special Education.

You may recall that Connecticut is the only state where the Burden of Proof in Special Education due process hearings lies with the local board of education. Regardless of who brings the complaint, the board of education is responsible for proving that its actions (or lack of action) have not harmed the child's ability to have an appropriate education. Due process is costly in terms of administrative time and legal costs. Boards of education undertake due process only in extreme cases and when there is a good case. One of the realities of the current legislation is that districts have to weigh the cost of providing additional services against the cost of trying to prove that its existing educational plan is appropriate. In many cases adding services costing into the mid-five figures is the less expensive alternative. By aligning Connecticut law with Federal law...where burden of proof lies with the plaintiff, it is assumed all parties would only bring the most serious cases to due process.

Thank you for your thoughtful consideration of this important matter.

Sincerely,

Kimberly P. Westcott
Chair, Darien Board of Education